

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re application of:)	
Matrix Operations Company, LLC)	International Class: 9
)	
Serial No.: 78/533102)	Law Office: 114
)	
Mark: MATRIX PLUS)	Examining Attorney: Brian Neville
)	
Filed: December 15, 2004)	

TRANSMITTAL

The Commissioner for Trademarks
UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Sir or Madam:

Transmitted herewith is Applicant's Reply Brief for the above-referenced application. If a Petition for an Extension of Time is necessary for the paper transmitted herewith to be timely filed, this transmittal is to be considered as a petition to extend the response period by the amount of time needed for the papers to be timely filed. A duplicate of the transmittal is enclosed.

Respectfully submitted,

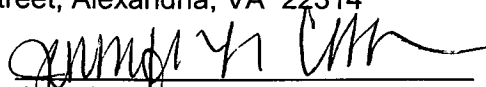


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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited via UPS Overnight delivery in an envelope addressed to: Trademark Trial and Appeal Board, US Patent and Trademark Office, Madison East, Concourse Level, Room C 55, 600 Dulany Street, Alexandria, VA 22314

Date: 1-5-07


Jennifer L. Cerce

01-05-2007

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APPLICANT'S REPLY BRIEF

TABLE OF CASES

In re Tennessee Walking Horse Breeders' and Exhibitors' Ass'n, 223 USPQ 188 (TTAB 1984).

TABLE OF AUTHORITIES

37 C.F.R. §2.142(b)(1)

TMEP §1203.02(b)

ARGUMENT

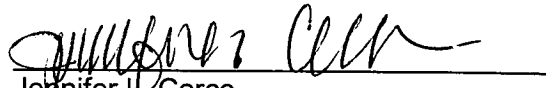
The Examining Attorney filed his brief to the Trademark Trial and Appeal Board ("TTAB") on December 21, 2007. Applicant's Brief, which was timely filed on October 10, 2006, was forwarded to the Examining Attorney on October 12, 2006. 37 C.F.R. §2.142(b)(1) provides as follows:

(b)(1) The brief of appellant shall be filed within sixty days from the date of appeal. If the brief is not filed within the time allowed, the appeal may be dismissed. The examiner shall, within sixty days after the brief of appellant is sent to the examiner, file with the Trademark Trial and Appeal Board a written brief answering the brief of appellant and shall mail a copy of the brief to the appellant. The appellant may file a reply brief within twenty days from the date of mailing of the brief of the examiner. 37 C.F.R. §2.142(b)(1) (Emphasis added).

The Examining Attorney's brief in this matter was filed more than sixty (60) days after Applicant's Brief was forwarded to his attention on October 12, 2006. The Examining Attorney has not provided an explanation for the late filing nor has he filed a motion with the TTAB requesting that the filing be accepted after the filing deadline. "If the examining attorney's brief is late filed, the Board may exclude it in the absence of an adequate explanation for the late filing" TMEP §1203.02(b). See, In re Tennessee Walking Horse Breeders' and Exhibitors' Ass'n, 223 USPQ 188, 188 n. 3 (TTAB 1984). Because Examining Attorney's Brief was untimely filed, the same must not be taken into consideration by the Board.

RESPECTFULLY SUBMITTED,

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